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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,199	08/18/2003	Clarence D. Deal	2750-001	3662
23547	7590	09/08/2004	EXAMINER	
MARY M LEE, P.C. 1300 E. NINTH STREET SUITE 4 EDMOND, OK 73034-5760			LE, DANG D	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,199

Applicant(s)

DEAL, CLARENCE D.

Examiner

Dang D Le

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-94 is/are pending in the application.
- 4a) Of the above claim(s) 91-94 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-90 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/14/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 2-7, 14, 15, 17, 18, 27-35, 47-52, 59, 60 and 72-80 in the reply filed on 6/18/04 is acknowledged. The traversal is on the ground(s) that "the claims in this application contain no more than reasonable number of species". This is not found persuasive because these species are distinct for the reasons given in the last office action and the search required for one species is not required for the others.

The requirement is still deemed proper and is therefore made FINAL.

However, independent claims 1 and 46 are found allowable, the dependent claims are also allowed except for claims 91-94.

2. Claims 1-90 are directed to an allowable product. Pursuant to the procedures set forth in the Official Gazette notice dated March 26, 1996 (1184 O.G. 86), claims 8-13, 16, 19-26, 36-46, 53-58, 61-71 and 81-90 directed to different species, withdrawn from consideration as a result of a restriction requirement, are subject to being rejoined. Species claims 8-13, 16, 19-26, 36-46, 53-58, 61-71 and 81-90 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. Claims 91-94, not directed to the process of making or using the patentable product, will not be rejoined.

Allowable Subject Matter

3. Claims 1-90 are allowed.

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4. The following is a statement of reasons for the indication of allowable subject matter: the record of prior art does not show an electric motor comprising a plurality of electromagnet groups, each group comprising at least one electromagnet set, wherein each electromagnet set comprises a plurality of electromagnet units, wherein each of the electromagnet units comprises at least one coil around a core having two poles; a plurality of permanent magnets supported on a moving member; a drive circuit comprising a sequencing circuit adapted to sequentially activate each of the plurality of electromagnet units; a power control circuit adapted to control the power generated by the motor by activating selected electromagnet groups; the power control circuit comprising a power selector having a plurality of power mode outputs; a cycling circuit having a plurality of cycling outputs adapted to vary which of the plurality of electromagnet groups are activated by the sequencing circuit when the motor is operating in the at least one non-maximum power mode without varying the number of groups being activated as claimed in claim 1 and 46.

Conclusion

5. This application is in condition for allowance except for the following formal matters:

- In the Abstract, replace “comprises” with – includes – at line 2.
- Cancel non-elected claims 91-94.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

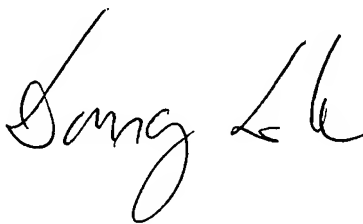
Information on How to Contact USPTO

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (571) 272-2027. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9/2/04

A handwritten signature in black ink, appearing to read 'Dang D Le', with a stylized flourish at the end.

**DANG LE
PRIMARY EXAMINER**